vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.300 OF 2007
IN
FIRST APPEAL NO.1479 OF 2005

Commission on Ecumenical Mission
and Relations of United
Presbyterian Church in USA ... Applicant

V/s.

State of Maharashtra & ors.. .. Respondents

Mr.S.K. Mulla h/f. R.M. Momin for Applicant
Mr.A.R. Patil, AGP, for Respondent-State

CORAM: **S.B. MHASE &**
SMT.NISHITA MHATRE, JJ.

DATED: **FEBRUARY 20, 2007**

P.C.:

. This is an application for withdrawal of the amount deposited in the trial Court by the Respondent-State. It is an enhanced amount under the Land Reference No.30 of 1996. The land has already been acquired and thereafter these proceedings for enhancement were taken. We find in the facts and circumstances of the case to release 50% of the amount without surety and the remaining 50% on Bank Guarantee. We, therefore, pass the following order:

i) The trial Court is hereby directed to release 50% of the amount in favour of the applicant

without surety and the remaining 50% shall be paid to the respondent on furnishing a Bank Guarantee within four weeks from today.

ii) In case the respondents fails to furnish the bank guarantee in the stipulated period, the said 50% amount shall be deposited in a nationalised bank, initially for a period of 3 years and if the Appeal pending before this Court is not disposed off by that time, the trial Court shall proceed to invest the said amount in the nationalised bank on a year to year basis till the final disposal of the Appeal.

2. Civil Application is disposed off accordingly.

(NISHITA MHATRE, J.) (S.B. MHASE, J.)